THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.23862 OF 2007

Dated 14th November, 2007

Between:

Syed Sultan Mahmood …Petitioner

and

The Kurnool Municipal Corporation …Respondent

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THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.23862 OF 2007

O R D E R (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

A distress notice demanding tax and penalty of Rs.30,332/- is challenged in this writ petition. The notice impugned has not even mentioned the period for which the tax is due. According to the petitioner, he has paid some tax, which has not been given credit to. Demand has been made that the amounts should be paid within three hours of the receipt of the notice. It is manifest from the notice itself that there is non-application of mind and the time fixed for payment is unreasonable.

For the foregoing reasons, we allow the writ petition, set aside the notice impugned and permit the respondent to issue a fresh notice keeping in view this order and if there are any arrears to be paid, a reasonable time be given for its payment. No order as to costs.

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Bilal Nazki, ACJ

Dated 14th November, 2007

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Ramesh Ranganathan,J

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